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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/202,215	10/05/1999	MARK VAYDA	021506.0116	2611

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BROBECK, PHLEGER & HARRISON, LLP
ATTN: INTELLECTUAL PROPERTY DEPARTMENT
1333 H STREET, N.W. SUITE 800
WASHINGTON, DC 20005

EXAMINER
SHANKAR, VIJAY

ART UNIT	PAPER NUMBER
2673	

DATE MAILED: 11/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/202,215	Applicant(s) Vayda et al
	Examiner VIJAY SHANKAR	Art Unit 2673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *May 8, 2001*.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-104* is/are pending in the application.

4a) Of the above, claim(s) *1-52 and 71-92* is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *53-70 and 93-104* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). *10*
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 53-66, 93-100, 102,104, are rejected under 35 U.S.C. 102(b) as being anticipated by Reeves (5,436,640) .

Regarding Claims 53 and 63; Reeves discloses a computer system (12 in fig.1) comprising an input device (20 in Fig.1) for generating signals that represent input requests by a user, the system comprising a base portion (28 in Fig.1) ; a control portion (22 in Fig.1); a plurality of inputs (30, 32 in Fig.1)

disposed on the control portion for permitting a user to input at least one request, a connector connecting the control portion to the base portion (Fig.2 and col.4; lines 48-68 and col.5; lines 1-2); a signal generator (microprocessor) operatively connected to the plurality of inputs (16,20) and the connector (fig.1; col.4, lines 5-66); the signal generator generating at least one first signal indicating a movement or position of the control portion relative to the base portion, and at least a second signal indicating user data input requests (Fig.1 and col.1; lines 49-68; col.4, lines 3-35).

Regarding Claim 54, Reeves discloses the input device wherein the connector comprises a gimbal mechanism (36,96) (Fig.2-4 and col.4; lines 36-47 and col.6; lines 35-54).

Regarding claim 55, Reeves discloses the input device further comprising a rotational mechanism which permits a user to rotate the control portion with respect to the base portion, wherein the signal generator is operatively connected to the rotational mechanism and generates a signal indicating rotational position of the control portion with respect to the base portion (Fig.1-2; Abstract; col.4; lines 17-28).

Regarding Claim 56, Reeves discloses the input device wherein the control portion (22) is configured to permit a user's hand to be positioned on the control portion such that the user's hand is ubstantially parallel to the control portion (Fig.1; col.4; lines 3-68).

Regarding Claim 57, Reeves discloses the input device wherein the plurality of inputs comprises at least four keys (30, 32) (See Fig.1; col.4; lines 1-35).

Regarding Claim 58, Reeves discloses the input device (20) wherein a key is provided for each digit of a hand (30, 32) (See Fig.1; col.4; lines 1-35).

Regarding Claim 59, Reeves discloses the input device (20) wherein at least one of the keys is a multiple position key, wherein the multiple position key can be moved in a plurality of directions and selectively engaged in at least one of the plurality of directions (30, 32) (See Fig.1; col.4; lines 1-35).

Regarding Claim 60, Reeves discloses the input device wherein the multiple position key is provided for the user's thumb (30, 32) (See Fig.1; col.4; lines 1-35).

Regarding Claims 61 and 65, Reeves discloses the input device wherein the plurality of inputs further comprises at least one slider (Fig.1-4).

Regarding Claims 62 , Reeves disclose the input device wherein at least three of the inputs are located in substantially the same plane (See Fig.1; col.4; lines 1-35).

Regarding Claim 64, Reeves discloses the computer system wherein the plurality of inputs comprises at least four keys (30, 32) (see Fig.1; col.4; lines 1-35).

Regarding Claim 66, Reeves discloses the computer system having at least two input devices (20, 16) (see Fig.1 and col.4; lines 3-35).

Regarding Claim 93, Reeves discloses an input device (20) for generating signals that represent input requests by a user, the device comprising a base portion (28) having a top surface; four primary keys disposed on the top surface (fig.1, col.1, lines 5-47) ; at least one position -responsive input value selector that is responsive to a position of the top surface within a substantially horizontal plane (fig.1, col.1, lines 5-47); and a signal generator (microprocessor) operatively connected to the primary keys and the position -responsive selector geenrating a first signal indicating a user input value selection and a second signal indicating user data input request (30,32) (See fig.1; Col.1, lines 5-47; col.4, lines 3-35).

Regarding Claim 94, Reeves discloses the input device wherein the primary keys are disposed on the top surface such that each finger of a user's hand rests on a primary key (30,32) (fig.1, col.1, lines 5-47).

Regarding Claim 95, Reeves discloses input device wherein the primary keys are actuated without removing the finger from the primary key (30,32) (fig.1, col.1, lines 5-47).

Regarding Claim 96, Reeves discloses the input device further comprising a thumb key (fig.1, col.1, lines 5-47).

Regarding Claim 97, Reeves discloses the input device wherein the position-responsive input value selector is responsive to changes in position along an Y-and /or Z-axis relative to a home state (fig.1, col.1, lines 5-54).

Regarding Claim 98, Reeves discloses the input device wherein the base portion comprises a stationary bottom portion and a movable upper portion and the changes in position are of the upper portion relative to the stationary bottom portion (fig.1, col.1, lines 5-47).

Regarding Claim 99, Reeves discloses the input device further comprising a second input device adapted for the other hand of the user (fig.1, col.1, lines 5-47).

Regarding Claim 100, Reeves discloses the input device wherein the base portion is movable on the surface upon which it is placed and the changes in position are of the entire base portion relative to its position prior to moving (fig.1, col.1, lines 5-47).

Regarding Claim 102, Reeves discloses the input device wherein the selector is a joystick mechanism (fig.1, col.1, lines 5-47).

Regarding Claim 104, Reeves discloses the input device further comprising means for navigating between multiple blocks of selective input values, wherein each block has at least three sets of values for each input key (fig.1, col.1, lines 5-47).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 67-70,101,103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reeves (5,436,640) in view of Ishiwata et al (4,870,389)

Regarding Claim 67, Reeves fails to disclose the computer system further comprising a character selection graphic displayed on the display, the

character selection graphic comprising a plurality of character selection icons, each of the icons corresponding to a character or a function; wherein the character selection icons are selected by moving or positioning the control portion relative to the base portion and selectively engaging one of the plurality of inputs.

However, Ishiwata et al disclose the computer system further comprising a character selection graphic displayed on the display (60), the character selection graphic comprising a plurality of character selection icons, each of the icons corresponding to a character or a function; wherein the character selection icons are selected by moving or positioning the control portion relative to the base portion and selectively engaging one of the plurality of inputs (see figs.1,2; col. 2, lines 34-61 and col.3, line 8- col.4, line 54).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teaching of Ishiwata et al into Reeves so characters on the display could be selected by a user.

Regarding Claim 68, Ishiwata et al disclose the computer system wherein the character selection graphic comprises a plurality of groupings of character selection icons, each grouping of character selection icons comprising a plurality of rows of character selection icons see figs.1,2; col. 2, lines 34-61 and col.3, line 8- col.4, line 54).

Regarding Claim 69, Ishiwata et disclose the computer system wherein each input on the control portion corresponds to a character selection icon in the row of character selection icons (see figs.1,2; col. 2, lines 34-61 and col.3, line 8- col.4, line 54).

Regarding Claim 70, Ishiwata et disclose the computer system wherein the input device, is wirelessly connected to the processor (see figs.1,2; col. 2, lines 34-61 and col.3, line 8- col.4, line 54).

Regarding Claims 101,103, Reeves fails to disclose the input device wherein the input value selector is a mouse mechanism and the input device further comprising a mouse mechanism and a device for selectively enabling the mouse mechanism to provide a signal indicating desired mouse-based user input .

However, It is wellknown in the art to use a mouse as the input device.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the mouse as the input device for the input value selector.

5. Applicant's arguments with respect to claims 53-70 and 93-104 have been considered but are moot in view of the new ground(s) of rejection.

6.Any inquiry concerning this communication or earlier communications from the examiner should be directed to VIJAY SHANKAR whose telephone number is (703) 305-4763 .The examiner can be reached on Monday through Friday from 9:00 am to 6:30 pm .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala , can be reached on (703)-305-4938.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to Group receptionist whose telephone number (703) 306-5631.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

VIJAY SHANKAR
PRIMARY EXAMINER
GROUP ART UNIT 2673